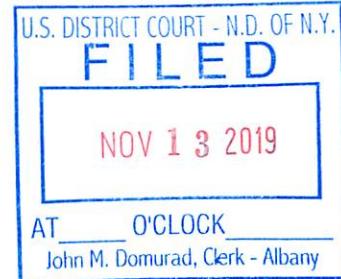


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATIONAL RIFLE ASSOCIATION OF
AMERICA,



Plaintiff,

v.

1:18-CV-566
(TJM/CFH)

ANDREW CUOMO, MARIA T. VULLO, and
THE NEW YORK STATE DEPARTMENT OF
FINANCIAL SERVICES,

Defendants.

APPEARANCES:

Brewer Attorneys & Counselors
750 Lexington Avenue, Floor 14
New York, New York 10022
Attorneys for plaintiff

Office of Attorney General - Albany
State of New York
The Capitol
Albany, New York 12224
Attorneys for defendants Cuomo,
NYS Dep't of Financial Svcs.

Emery Celli Brinckerhoff & Abady LLP
600 Fifth Avenue, 10th Floor
New York, New York 10020
Attorneys for defendant Vullo

New York State Department of
Financial Services
One State Street
New York, New York 10004-1511
Attorneys for defendant NYS Dep't of
Financial Services

OF COUNSEL:

SARAH ROGERS, ESQ.
WILLIAM A. BREWER, III, ESQ.
JOHN C. CANONI, ESQ.

ADRIENNE J. KERWIN, ESQ.
WILLIAM A. SCOTT, ESQ.
HELENA O. PEDERSON, ESQ.
MICHAEL G. MCCARTIN, ESQ.

ANDREW G. CELLI, JR., ESQ.
DEBRA GREENBERGER, ESQ.
ELIZABETH S. SAYLOR, ESQ.

NATHANIEL J. DORFMAN, ESQ.
EAMON G. ROCK, ESQ.

ORDER

Due to the voluminous nature of the documents released to the Court in camera as a result of the Court's August 8, 2019, Memorandum-Decision & Order (Dkt. No. 121), combined with the remainder of the Court's caseload, it is not possible for the Magistrate Judge or any other judge of this Court to review each document and assess its privilege in any kind of expeditious fashion. Such review would undoubtedly require the expenditure of far more judicial resources than are available.

Pursuant to Federal Rule of Civil Procedure 53(a)(1)(C), the Court is appointing Benjamin Hill, Esq. to serve as Special Master until further order of this Court. Pursuant to Fed. R. Civ. P. 53(b)(1) the Court provided parties with notice and two opportunities to be heard, including the recommendation of candidates. Text Min. Entry dated Oct. 2, 2019; Text Min. Entry dated Oct. 22, 2019. The parties informed the Court that they could not agree on a candidate for Special Master and deferred to the Court to select the Special Master.

Accordingly, it is **ORDERED** that

The Special Master is "to proceed with all reasonable diligence" in the performance of his duties. FED. R. CIV. P. 53(b)(2).

In furtherance of his duties, the Special Master may communicate *ex parte* with the Court on any matter. The Special Master may not communicate *ex parte* with the parties without the consent of the Court and all parties;

The Special Master will provide the Court with status updates at a frequency to be later determined by the Court;

The Special Master will provide the Court and parties with a recommendation as to the privilege status of all withheld documents, and, where the Special Master deems documents to be privileged, he will provide a recommendation as to whether the documents should still be released;

Upon submission of the Special Master's report, the parties will be provided an opportunity to submit objections to the Special Master's recommendation within twenty-one (21) days of it being provided to the parties;

After consideration of objections, the Court will review the Special Master's recommendation and make a ruling;

The Special Master shall maintain a time log of his activities on the case and report such hours when requested by the Court;

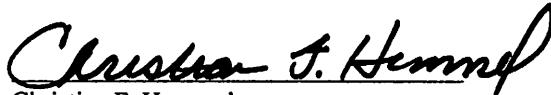
The Special Master's compensation, as well as reasonable costs and expenses, will be split equally between the parties. The Special Master will be compensated at a rate of \$325 per hour. Should the Special Master require the assistance of a paralegal, that expense shall be billed by the Special Master at the paralegal's usual hourly rate;

The Special Master may request reasonable disbursements, as needed;

This Order may be amended at any time upon notice to the parties and an opportunity to be heard.

IT IS SO ORDERED.

Dated: November 13, 2019
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge